

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

MAR 20 2017

JULIA S. DUDLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA,)

v.)

) Case No. 7:12cr00103

MARTIN ALVIN KING,)

) By: Michael F. Urbanski

) United States District Judge

Petitioner.

ORDER

For the reasons set forth in the accompanying Memorandum Opinion entered this day, petitioner Martin Alvin King's 28 U.S.C. § 2255 motion (ECF No. 63) is **GRANTED**. It is **ORDERED** that the amended judgment entered on June 9, 2014 (ECF No. 60) is hereby **VACATED**.

King expressly waived any right to be resentenced in person and to allocute to the court, and he has consented to being resentenced in his absence. Both parties have represented that no victims wish to attend King's resentencing and no motions will be made to amend the conditions of King's term of supervised release. Accordingly, King's motion to vacate briefing order and grant petition without a hearing (ECF No. 77) is **GRANTED**, and no resentencing hearing will be held.

The court hereby **ORDERS** that King is resentenced to a total period of incarceration of 42 months, comprised of 42 months on Count One and 42 months on Count Two, to run concurrently. Upon release from imprisonment, King shall serve a total term of supervised release of 3 years, comprised of 3 years on Count One and 3 years on Count Two, to run concurrently. In all other respects, the terms and conditions of King's prior judgment of September 17, 2013 (ECF No. 53) remain the same.

The Clerk is **DIRECTED** to prepare an amended judgment to reflect the sentence imposed by this Order.

King **SHALL** retain credit for all time already served.

It is **SO ORDERED**.

Entered: 03-20-2017

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge